

Amendment No. 2 to HB2459

Sargent  
Signature of Sponsor

**AMEND Senate Bill No. 2544**

**House Bill No. 2459\***

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 57, Chapter 3, Part 4, is amended by adding the following as a new, appropriately designated section thereto:

**57-3-413.**

(a) A minor who is at least twelve (12) years of age but less than eighteen (18) years of age who enters an establishment knowing it is a licensed retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption defined in § 57-2-101(a), commits a delinquent act unless such minor is accompanied by the minor's parent, grandparent, legal guardian or spouse who is twenty-one (21) years of age or older.

(b) It is an offense for any person who is at least eighteen (18) years of age but less than twenty-one (21) years of age to enter an establishment knowing it is a licensed retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption defined in § 57-2-101(a), unless such person is accompanied by the person's parent, grandparent, legal guardian or spouse who is twenty-one (21) years of age or older.

(c) It is an offense for any person twenty-one (21) years of age or older to enter any establishment knowing it is a licensed retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption as defined in § 57-2-101(a), accompanied by a person who is under twenty-one (21) years of age, unless that person over twenty-one (21) is the parent, grandparent, legal guardian or spouse of the person who is under twenty-one (21) years of age.

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(d) It is an offense for any person who is intoxicated to enter any establishment knowing it is a licensed retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption as defined in § 57-2-101(a).

(e)

(1) A violation of subsection (b), (c) or (d) is a Class C misdemeanor punishable by fine only.

(2) A second or subsequent violation of subsections (b), (c) or (d) is a Class C misdemeanor punishable by fine only; provided, however, that the maximum fine shall be two hundred dollars (\$200).

(f)

(1) Beginning October 1, 2012, each retailer shall post, at the public entrance to any establishment licensed as a retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption as defined in § 57-2-101(a), the following or substantially similar language:

IT IS AGAINST THE LAW FOR A PERSON UNDER THE AGE OF 21 TO ENTER THE PREMISES UNLESS ACCOMPANIED BY SUCH PERSON'S PARENT, GRANDPARENT, LEGAL GUARDIAN OR SPOUSE THAT IS AGE 21 OR OLDER. IT IS AGAINST THE LAW FOR A PERSON AGE 21 OR OLDER TO ACCOMPANY A PERSON UNDER THE AGE OF 21 ON THE PREMISES UNLESS THE PERSON AGE 21 OR OLDER IS THE PARENT, GRANDPARENT, LEGAL GUARDIAN OR SPOUSE OF THE PERSON UNDER THE AGE OF 21.

(2) Beginning October 1, 2012, each retailer shall post, at the public entrance to any establishment licensed as a retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption as defined in § 57-2-101(a), the following or substantially similar language:

IT IS AGAINST THE LAW FOR AN INTOXICATED PERSON TO ENTER  
THE PREMISES.

(3) The language required to be posted pursuant to this subsection (f) shall be of a size that is plainly visible to the average person prior to entering any establishment licensed as a retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption as defined in § 57-2-101(a).

(4) Failure to post the language required under this subsection (f) shall not subject the retailer to a criminal offense or civil fine from the alcohol beverage commission.

(5)

(A) It is an exception to the application of subsections (a), (b), (c) or (d) that the retailer failed to post signs as required pursuant to this subsection (f).

(B) It is an exception to the application of subsections (a), (b), (c) or (d) that entrance into the premises was necessitated by a bona fide emergency.

(C) The provisions of subsections (a), (b) and (c) shall not apply to law enforcement officers and other emergency personnel engaged in the performance of their duties or to any person under twenty-one (21) years of age acting in concert with law enforcement in accordance with § 39-15-413.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.